

1 RENE L. VALLADARES  
Federal Public Defender  
2 State Bar No. 11479  
REBECCA LEVY  
3 Assistant Federal Public Defender  
411 E. Bonneville Avenue, Suite 250  
4 Las Vegas, Nevada 89101  
(702) 388-6577/Phone  
5 (702) 388-6261/Fax

6 Attorneys for Marisol Lopez

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8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 \* \* \*

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 vs.  
14 MARISOL LOPEZ,  
15 Defendant.

2:15-CR-254-KJD-GWF

**STIPULATION TO CONTINUE**  
**ARRAIGNMENT & PLEA**

(First Request)

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17 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United  
18 States Attorney, and Brandon Jaroch, Assistant United States Attorney, counsel for the United States  
19 of America, Rene L. Valladares, Federal Public Defender, and Rebecca A. Levy, Assistant Federal  
20 Public Defender, counsel for MARISOL LOPEZ, that the Arraignment and Plea hearing currently  
21 scheduled on September 24, 2015 at 3:00 p.m., be vacated and be continued to a date and time  
22 convenient to the Court, but no longer than fourteen (14) days.

23 This Stipulation is entered into for the following reasons:

- 24 1. Counsel for the defendant will be unavailable during the currently scheduled date. A  
25 brief continuance is being sought.
- 26 2. The defendant is not detained and does not oppose a continuance.
- 27 3. The parties are in agreement to the continuance.

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1           4.       Additionally, denial of this request for continuance could result in a miscarriage of  
2 justice. The additional time requested by this Stipulation is excludable in computing the time within  
3 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States  
4 Code, Section 3161 (h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering  
5 the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

6           This is the first request for a continuance of the preliminary hearing.

7           DATED this 17<sup>th</sup> day of September, 2015.

8           RENE L. VALLADARES  
9           Federal Public Defender

DANIEL G. BOGDEN,  
United States Attorney

10  
11           /s/ Rebecca Levy  
12           REBECCA LEVY  
13           Assistant Federal Public Defender

/s/Brandon Jaroch  
BRANDON JAROCH  
Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No.: 2:15-cr-254-KJD-GWF

Plaintiff,

ORDER

vs.

MARISOL LOPEZ,

Defendant.

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant will be unavailable during the currently scheduled date. A brief continuance is being sought.
2. The defendant is not detained and does not oppose a continuance.
3. The parties are in agreement to the continuance.
4. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161 (h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

This is the first request for a continuance of the preliminary hearing..

**CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

1 The continuance sought herein is excludable under the Speedy Trial Act, title 18, United  
2 States Code, Section 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, §§ 3161 (h)(7)(A),  
3 when the considering the facts under Title 18, United States Code, §§ 316(h)(7)(B) and  
4 3161(h)(7)(B)(iv).

5 **ORDER**

6 IT IS THEREFORE ORDERED that the Arraignment and Plea hearing currently  
7 scheduled on September 24, 2015 at 3:00 p.m., be vacated and continued to October 8, 2015  
8 \_\_\_\_\_ at the hour of 3:00 p.m.

9  
10 DATED this 18th day of September, 2015.

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13 UNITED STATES MAGISTRATE JUDGE